

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HUAWEI TECHNOLOGIES CO. LTD.,

Plaintiff,

v.

T-MOBILE US, INC. and T-MOBILE USA,
INC.,

Defendants,

NOKIA SOLUTIONS AND NETWORKS
US LLC and NOKIA SOLUTIONS AND
NETWORKS OY,
TELEFONAKTIEBOLAGET LM
ERICSSON, and ERICSSON INC.,

Intervenors.

Nos.

2:16-cv-0052-JRG-RSP

2:16-cv-0055-JRG-RSP

2:16-cv-0056-JRG-RSP

2:16-cv-0057-JRG-RSP

JURY TRIAL DEMANDED

JOINT STIPULATION

Plaintiff Huawei Technologies Co. Ltd. (“Huawei”), Defendants T-Mobile US, Inc. and T-Mobile USA, Inc., and Intervenors Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy and Telefonaktiebolaget LM Ericsson and Ericsson Inc. (collectively “Defendants/Intervenors”) hereby stipulate to the following:

In view of Huawei’s Notice of Election of Claims for Trial in the above captioned cases (Doc. No. 237 in Civil Action No. 2:16-cv-52; Doc. No. 229 Civil Action No. 2:16-cv-55; Doc. No. 231 Civil Action No. 2:16-cv-56; Doc. No. 223 Civil Action No. 2:16-cv-57) and the Court’s Claim Construction Orders, Huawei and Defendants/Intervenors agree that the parties need not address unelected or invalidated claims in expert

reports, trial briefs, motions, or other filings with the Court. Thus, to the extent that an expert opined on claims that were subsequently invalidated or not included in Huawei's Notice of Election of Claims for Trial in the above captioned cases, the opposing party's rebuttal report need not address those invalidated or unelected claims. A party's failure to address those invalidated or unelected claims shall not be deemed or argued to be a waiver of a rebuttal opinion, nor shall it be deemed or argued to constitute agreement with the unrebutted opinion.

Dated: July 6, 2017

Respectfully submitted,

/s/ John D. Haynes

John D. Haynes (GA Bar No. 340599)
Patrick J. Flinn (GA Bar No. 264540)
Michael C. Deane (GA Bar No. 498195)
Nicholas Tsui (GA Bar No. 982502)

ALSTON & BIRD LLP

1201 W. Peachtree St.
Atlanta, GA 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Email: Patrick.Flinn@alston.com
Email: John.Haynes@alston.com
Email: Michael.Deane@alston.com
Email: Nick.Tsui@alston.com

Michael J. Newton
(TX Bar No. 24003844)

Derek Neilson
(TX Bar No. 24072255)

ALSTON & BIRD LLP
2800 N. Harwood St., Suite 1800
Dallas, Texas 75201
Telephone: (214) 922-3400
Facsimile: (214) 922-3899
Email: Mike.Newton@alston.com
Email: Derek.Neilson@alston.com

M. Scott Stevens (NC Bar No. 37828)
Ross R. Barton (NC Bar No. 37179)
Linda Chang (NC Bar No. 44290)
Robert Caison (NC Bar No. 46632)
Samuel Merritt (NC Bar No. 47945)
M. Joseph Fernando (NC Bar No. 49199)
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Telephone: (704) 444-1000
Facsimile: (704) 444-1111
Email: Scott.Stevens@alston.com
Email: Ross.Barton@alston.com
Email: Linda.Chang@alston.com
Email: Robert.Caison@alston.com
Email: Sam.Merritt@alston.com
Email: Ravi.Fernando@alston.com

Marsha E. Diedrich
(CA Bar No. 93709)
ALSTON & BIRD LLP
333 South Hope Street
16th Floor
Los Angeles, CA 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100
Email: Marsha.Diedrich@alston.com

Thomas Davison
(FL Bar No. 55687)
ALSTON & BIRD LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404
Telephone: (202) 239-3300
Facsimile: (202) 239-3333
Email: Tom.Davison@alston.com

Deron R. Dacus
Texas State Bar No. 790553
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite
430 Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543

Email: ddacus@dacusfirm.com

*Counsel for Intervenors Nokia Solutions
and Networks US LLC and Nokia Solutions
and Networks Oy*

/s/ David Barkan

Ruffin Cordell
Texas Bar No. 04820550
cordell@fr.com
FISH & RICHARDSON P.C.
1425 K Street, N.W., 11th Floor
Washington, D.C. 20005
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
Carl E. Bruce
Texas Bar No. 24036278
bruce@fr.com
David B. Conrad
Texas Bar No. 24049042
conrad@fr.com
Jane Du
Texas Bar No. 24076355
du@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

David Barkan
California Bar No. 160825
barkan@fr.com
Neil Warren
California Bar No. 272770
warren@fr.com
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

Kevin Su
Massachusetts Bar No. 663726
su@fr.com
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
*Counsel for Plaintiff Huawei Technologies
Co. Ltd.*

/s/ Mark D. Selwyn
Mark D. Selwyn
(California Bar No. 244180)
Kathryn D. Zalewski
(California Bar No. 263119)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
950 Page Mill Road
Palo Alto, California 94304
(650) 858-6000

Joseph J. Mueller
(Massachusetts Bar No. 647567)
Cynthia Vreeland
(Texas Bar No. 20625150
Massachusetts Bar No. 635143)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
60 State Street
Boston, MA 02109
(617) 526-6000

Michael E. Jones
Texas Bar No. 10929400
mikejones@potterminton.com
E. Glenn Thamess, Jr.
Texas Bar No. 00785097
glennthames@potterminton.com
POTTER MINTON, PC
110 North College Ave., Suite 500
Tyler, Texas 75702
Tel: 903-597-8311
Fax: 903-593-0846

*Counsel for Defendants T-Mobile US,
Inc. and T-Mobile USA, Inc.*

/s/ Jamie H. McDole

Phillip B. Philbin
LEAD ATTORNEY
State Bar No. 15909020
Jamie H. McDole
State Bar No. 24082049
Charles M. Jones II
State Bar No. 24054941
Michael D. Karson
State Bar No. 24090198
Hamilton C. Simpson
State Bar No. 24083862
HAYNES AND BOONE, LLP
2323 Victory Avenue
Suite 700
Dallas, Texas 75219
Tel.: (214) 651-5000
Fax: (214) 651-5940
Email: phillip.philbin@haynesboone.com
jamie.mcdole@haynesboone.com
charlie.jones@haynesboone.com
michael.karson@haynesboone.com
hamilton.simpson@haynesboone.com

*Counsel for Intervenors
Telefonaktiebolaget LM Ericsson and
Ericsson Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on July 6, 2017, by electronic mail upon all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

Dated: July 6, 2017

/s/ John D. Haynes
John D. Haynes